REMARKS

Reconsideration of the above-identified application in view of the following remarks is respectfully requested.

A. Claim Status

Claims 1, 2, 4, 11, 12, 14, 16 and 17 were pending and rejected in this application. As to the merits, claims 1, 2, 4, 11, 12, 14, 16 and 17 are rejected pursuant to 35 U.S.C. § 103(a) as allegedly being unpatentable by U.S. Patent 6,750,990 to Ohashi ("Ohashi") in view of U.S. Patent 4,975,787 to Ijuin et al ("Ijuin"). (See Office Action, ¶2, p. 2.) Of the pending claims, claims 1 and 11 are independent in form.

B. Claims 1, 2, 4, 11, 12, 14, 16 and 17 are Patentably Distinct Over Ohashi in view of Ijuin

Applicants respectfully traverse the rejection of claims 1, 2, 4, 11, 12, 14, 16 and 17. As explained in detail below, the requirements for such rejection is not met. In particular, the Examiner in rejecting claims 1 and 11 has taken the position that Ohashi discloses the claimed original convey unit, image reading unit, and abnormality detection unit but that Ohashi "does not disclose expressly a control unit adopted to limit an original size in a main-scanning direction which is permitted to be read by said image reading unit in accordance with the position of the abnormality detected by said abnormality detection unit." The Examiner asserts that Ijuin discloses such a control unit. The Examiner is of the further opinion that Ohashi and Ijuin are combinable because "they are from the same field of endeavor," and "[a]t the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the teaching of Ohashi by providing Ijuin's control unit," the "motivation for doing so would have

been to move the original so as to bypass any detected abnormalities from the image-reading unit" and to achieve the invention as specified in claims 1 and 11. (See Office Action, ¶4-5, 1-4, p. 2-3).

Applicants' claim 1 recites:

> 1. An image reading apparatus comprising:
> an original convey unit adapted to move an original in a sub-scanning direction;
> an image reading unit adapted to read the original while moving the original by using said original convey unit and output image data;
> an abnormality detection unit adapted to detect abnormal data output from said image reading unit before said image reading unit reads the original; and
> a control unit adapted to limit reading operation of an original having a predetermined size in a main-scanning direction by said image reading unit while moving the original by using said convey unit in accordance with the position of the abnormal data detected by said abnormality detection unit in the main scanning direction.

In Applicant's claimed invention, using the image reading apparatus and corresponding method recited by independent claims 1 and 11, respectively, abnormal data is detected before an original is read, and the size in a main-scanning direction which is permitted to be read is limited in accordance with the position of the detected abnormal data. None of the cited prior art references disclose, teach, or suggest, taken individually or in combination, the subject matter recited by independent claims 1 and 11.

The Examiner alleges Injuin discloses the claimed control unit, specifically:

> When the front-stage roller 51 is rotated, a conveyance force is imparted to the lowermost original S1 of the originals S1, S2 and S3, and then the originals S2 and S3 thereon are also fed out by the frictional force between the originals. Each original is conveyed until the leading end thereof bears against the second member 52E. Since the second member 52E and the front-stage roller 51 form a wedge-shaped space therebetween, the originals S1-S3 inserted

with their leading end made uniform are held therebetween with their leading end edges deviated from one another in succession as shown in FIG. 2, and the originals are reliably conveyed one by one in the order of S1, S2 and S3 by the frictional force with the front-stage roller 51. At that time, the frictional force with the front-stage roller 51 is greater on the second membor 52E than on the first member 52D and therefore, while the first member holds down the second and subsequent originals S2 and S3, only the first original S1 is reliably conveyed as a result.

The original S1 thus singly fed on the conveyance path P then passes over the image sensor means 10 with the aid of the rear-stage roller 6. The light beam B emitted from the light source 104 passes through a hole 101A in the base plate 101 as shown in FIG. 3, is applied to the original S1 and is reflected by the original, and is converted into an electrical signal by the photoelectric conversion element 102C, and this signal is read. (Injuin, Col. 5, lines 16-43).

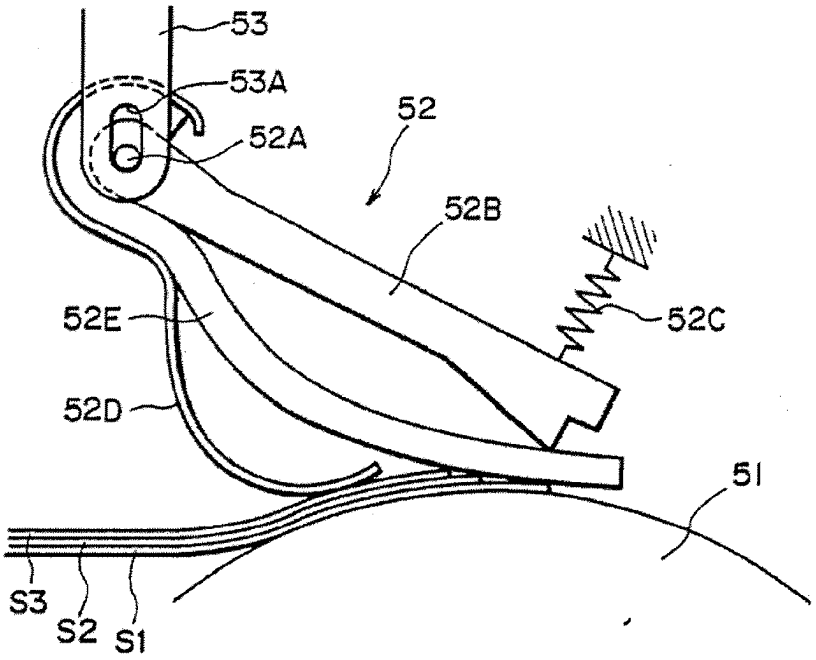

FIG. 2

Review of Ijuin reveals that what is disclosed is that dust, paper powder, etc. adhering to the original may collect near the photoelectric conversion element 102C to adversely affect the reading accuracy. As the original is conveyed, the aforementioned dust, paper powder,

etc. are wiped off by the sheet S1 being conveyed to the downstream side end portion of the protective transparent sheet. However, Ijuin does not disclose or suggest the claimed feature that the "abnormal data output from said image reading unit before said image reading unit reads the original; and a control unit adapted to limit reading operation of an original having a predetermined size in a main-scanning direction by said image reading unit while moving the original by using said convey unit in accordance with the position of the abnormal data detected by said abnormality detection unit in the main scanning direction."

Therefore, the Applicants' invention as recited in independent claims 1 and 11, and consequently the claims depending therefrom, is neither taught nor suggested by Ohashi, individually or taken in combination with the other references of record, including Ijuin, and is thus neither anticipated by nor rendered obvious in view of, and thus patentably distinct over, the art of record, taken individually or in combination.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art.

Finally, Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

CONCLUSION

For the above-stated reasons, this application is respectfully asserted to be in condition for allowance. An early and favorable examination on the merits is requested. In the event that a telephone conference would facilitate the examination of this application in any way, the Examiner is invited to contact the undersigned at the number provided.

THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY ADDITIONAL FEES WHICH MAY BE REQUIRED FOR THE TIMELY CONSIDERATION OF THIS RESPONSE UNDER 37 C.F.R. §§ 1.16 AND 1.17, OR CREDIT ANY OVERPAYMENT TO DEPOSIT ACCOUNT NO. 13-4500, ORDER NO. 1232-4799.

Respectfully submitted,
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